

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 BRICKLAYERS AND ALLIED
12 CRAFTWORKERS LOCAL UNION NO. 3,
AFL-CIO, et al.,

No. C 05-03245 CRB

**ORDER GRANTING MOTION FOR
DEFAULT JUDGMENT**

13 Plaintiffs,

14 v.

15 LARRY WILLIAM MANSHACK, dba
16 "TOWN AND COUNTRY TILE
COMPANY,"

17 Defendant.
18 _____/

19 In this action, plaintiffs seek an order requiring defendant to permit plaintiffs to
20 review and audit defendant's payroll and other relevant records. Now pending before the
21 Court is plaintiffs' motion for a default judgment. Despite being given notice of the motion,
22 defendant has not filed a response or otherwise communicated with the Court. After
23 carefully considering plaintiffs' moving papers, the Court concludes that oral argument is
24 unnecessary, see Local Rule 7-1(b), and GRANTS plaintiffs' motion.

25 Defendant is a signatory to a collective bargaining agreement ("cba") which permits
26 plaintiffs to review and audit defendant's payroll and other relevant records for the purpose
27 of determining whether defendant had paid all benefits as required by the cba. The cba also
28 provides that if a signatory employer fails to permit such audit, the employer shall be liable

1 for the costs and fees incurred by plaintiffs in obtaining the audit.


2 From January 1, 2002 through December 31, 2004, defendant failed to permit
3 plaintiffs to audit his payroll and other relevant records. Defendant's failure compelled
4 plaintiffs to initiate this lawsuit to enforce their audit rights. Plaintiffs have incurred
5 \$3,422.50 in attorneys' fees and costs in enforcing their right to an audit.

6 Although defendant was personally served with the complaint in this action he did not
7 file an answer and he has failed to otherwise respond to the complaint. In November 2005,
8 the Court entered his default. He has also failed to respond to the motion for a default
9 judgment.

10 Accordingly, plaintiffs' motion for a default judgment is GRANTED. Defendant
11 Larry William Manshack is directed to submit to an audit by delivering to plaintiff, within 14
12 days of service of this judgment and order, all payroll and employment-related records of
13 Larry William Manshack, dba "Town and Country Tile Company" for the period from
14 January 1, 2002 through December 31, 2004. Defendant shall also pay plaintiffs \$3,422.50
15 as costs incurred by plaintiffs in enforcing their audit rights.

16 **IT IS SO ORDERED.**

17 Dated: February 14, 2006

18 
19 CHARLES R. BREYER
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28